

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: : CASE NO: 14-62176
: :
RONNIE D. WOODS :
JEANNIE L. WOODS : CHAPTER 13
: :
Debtors. : CHIEF JUDGE RUSS KENDIG
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MOTION TO REOPEN

Now comes Ronnie D. Woods and Jeannie L. Woods, Debtors, and hereby moves the Court to reopen the Debtors' Chapter 13 case pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010 ("Motion"). For their Motion, the Debtors state as follows:

1. The Court has jurisdiction over the Debtors' case and this Motion pursuant to 28 U.S.C. § 1334, this matter is a core proceeding pursuant to 28 U.S.C. § 157(b), and venue is proper in the Court pursuant to 28 U.S.C. § 1408.

2. The Trustee filed a Final Report and Account on January 21, 2016 (Docket No. 43).

3. On February 16, 2016, Debtors' Chapter 13 case was closed by the court and Debtors' discharge was withheld for failure to file the Certifications concerning the Motion for Entry of Discharge (Docket No. 48).

4. On February 18, 2016, Debtors filed the Certifications concerning the Motions for Entry of Discharge (Docket Nos. 49 and 50 respectively) and the Certifications of Domestic Support Obligations (Docket Nos. 51 and 52 respectively).

5. On February 18, 2016, Debtors filed an Objection to the Clerk's Closure of Debtors' Case with Discharge Withheld Pursuant to 11 U.S.C. § 350(b) (Docket No. 53) ("Objection"). The Objection was not considered by the Court as the case was closed prior to filing the Objection. At Docket No. 55, the court caused an entry indicating 'no further action unless the case is reopened' referring to Docket No. 53, the Objection.

6. Pursuant to Federal Rule of Bankruptcy Procedure Rule 5009(a): “If in a chapter 7, chapter 12, or chapter 13 case the trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States trustee or a party in interest, there shall be a presumption that the estate has been fully administered.”

7. Debtors state that the Court improperly and prematurely closed Debtors’ case as the Court did not allow the 30 day period to expire following the Chapter 13 Trustee’s Final Report Account pursuant to Rule 5009(a). Debtors’ deadline to file the Certifications 1328(h) and Motion of Entry of Discharge and the Certifications of Domestic Support Obligations was February 20, 2016.

8. The Debtors’ case should be reopened to enable Debtors to receive their discharge since it was closed before the thirty (30) day deadline had elapsed due to administrative error.

9. Additionally, Debtors should be relieved from paying the fee for filing a motion to reopen a Chapter 13 case since the case was closed due to an administrative error pursuant to Federal Rule of Bankruptcy Procedure Rule 5080-1(b),

WHEREFORE, Debtors respectfully request that the Court enter an order granting the reopening of the Debtors’ case pursuant to 11 U.S.C. § 350(b), refunding the filing fee due to the administrative error pursuant to Rule 5080-1(b); and granting any other and further relief that the Court deems just and proper.

Respectfully Submitted,

/s/ Kenneth L. Sheppard, Jr.
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Attorney for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Reopen was electronically transmitted on or about April 18, 2018, via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Adam Bradley Hall	amps@manleydeas.com
Toby L. Rosen	trosen@chapter13canton.com , trosen@ecf.epiqsystems.com
Kenneth L. Sheppard	ken@sheppardlawoffices.com , karen@sheppardlawoffices.com ; r48355@notify.bestcase.com
United States Trustee	(Registered address)@usdoj.gov
Toby L Rosen trose12	LWEIR@CHAPTER13CANTON.COM

And mailed by regular U.S. Mail on April 18, 2018, to the following:

Ronnie D. Woods Jeannie L. Woods 58 C Street SW Navarre, Ohio 44662	Recovery Management Systems Corporation 25 S.E. 2nd Avenue, Ste. 1120 Miami, FL 33131
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/s/ Kenneth L. Sheppard, Jr.
Kenneth L. Sheppard, Jr., Esq. #0075887
Attorney for Debtors